IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 979 of 2007()

CMP.612/2007 of J.M.F.C.,KUNNAMANGALAM

.....

: PETITIONERS/ACCUSED:

---

1. KAMMAD HAJI. V.M., AGED 60 YEARS,
S/O.KUNJAHAMMED, SANKARAM PARAMBIL,
BADRIYA MANZIL, PALLITHAZHAM, KAYALAM.

2. FATHIMA BEEGUM AGED 30 YEARS,
D/O.KAMMAD HAJI, SANKARAM PARAMBIL
BADRIYA MANZIL, PALLITHAZHAM, KAYALAM.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA, REP. BY THE
ASSISTANT COMMISSIONER OF POLICE,
CRIME DETACHMENT, KOZHKODE, THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY DGP SHRI P.G.THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - -

BAIL APPLICATION NO. 979 OF 2007

- - - - - - - - - ---------- - - - - -

DATED THIS THE 20th DAY OF FEBRUARY, 2007

O R D E R

Petitioners who are accused Nos.3 and 4 in Crime No.334/06 of Medical College Police Station, Kozhikode for offences punishable under sections 12B, 121, 121A, 468, 472, 473 and 420 read with section 34 IPC, section 7 read with section 13(1)(a) of the Prevention of Corruption Act, sections 7 and 14 of the Foreigners Act and section 12(1)(a) of the Indian Passport Act, seek their enlargement on bail. They are alleged to have given secret accommodation to the first accused in the case, viz; Fahad @ Muhammde Koya, a Pakisthani national and made all facilities for him to procure an Indian passport.

2. Even though Shri P.G.Thampi, the learned Director General of Prosecutions vehemently opposed the application submitting, inter alia, that the petitioners had a pivotal role to play in the matter and that investigation of the case has not progressed substantially, the petitioners have admittedly been in judicial custody since 21.11.2006 onwards. In as much as no final report has been filed even after 90 days of judicial custody of the petitioners, they are entitled to bail as of right, by virtue of the proviso to section 167(2) Cr.P.C. Accordingly, the petitioners are directed to be released on bail on each of them

executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Kunnamangalam and subject to the following conditions:

1. The 1st petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall make themselves available for interrogation as and when required by the Police, till the filing of the final report.

3. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn